

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 421

Designation under the Plenary Powers of a type species
in harmony with accustomed usage for the genus *Martinia*
M^cCoy, 1844 (Class Brachiopoda)

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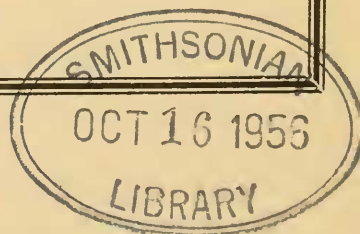
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 421

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(*arranged in order of precedence by reference to date of election or of most recent
re-election, as prescribed by the International Congress of Zoology*)

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Professor Tadeusz JACZEWSKI (*Department of Systematic Zoology, Warsaw University, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

OPINION 421

DESIGNATION UNDER THE PLENARY POWERS OF A TYPE SPECIES IN HARMONY WITH ACCUSTOMED USAGE FOR THE GENUS "MARTINIA" M^CCOY, 1844 (CLASS BRACHIOPODA)

RULING :—(1) Under the Plenary Powers (a) all type selections for the genus *Martinia* M^CCoy, 1844 (Class Brachiopoda), made prior to the present Ruling are hereby set aside and (b) the under-mentioned nominal species, which has been placed on the *Official List of Specific Names in Zoology* as Name Number 749 by the Ruling given in *Opinion* 420, is hereby designated to be the type species of the foregoing genus : *Spirifer glaber* Sowerby (J.), 1820, to be interpreted, as prescribed in the Ruling given in the foregoing *Opinion*, by reference to the lectotype selected and figured by Muir-Wood (H.M.) in 1951 (pl. 3, figs. 2a-c).

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1009 : *Martinia* M^CCoy, 1844 (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b) above).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 757 : *decora* Phillips, 1836, as published in the combination *Spirifera decorata*, the species so named to be interpreted by reference to the holotype preserved in the British Museum (Natural History) and refigured by Muir-Wood (H.M.) in 1951 (: pl. 5, figs. 6a, b, c).

I. THE STATEMENT OF THE CASE

The application dealt with in the present *Opinion* arose out of an examination of the names given to species of the Class Brachiopoda¹ published in 1809 in William Martin's *Petrificata Derbiensia* carried out by Dr. Helen M. Muir-Wood (*British Museum (Natural History), London*), the results of which were published in 1951 (Muir-Wood, 1951, *Ann. Mag. nat. Hist.* (12) 4 : 97—118) in a paper entitled "The Brachiopoda of Martin's 'Petrificata Derbiensia'". In this paper when discussing the name *Conchylolithus Anomites glaber* Martin, 1809, Dr. Muir-Wood noted (: 112) that an application would need to be made to the International Commission on Zoological Nomenclature in order to provide a valid basis for the acceptance of the above species as the type species of *Martinia* McCoy, 1844. The application so foreshadowed which was submitted to the Office of the Commission on 12th May 1951, was as follows :—

Proposed use of the Plenary Powers to designate a type species for the genus "Martinia" McCoy, 1844 (Class Brachiopoda) in harmony with current nomenclatorial usage

By HELEN M. MUIR-WOOD, D.Sc.

(*Department of Geology, British Museum (Natural History), London*)

The object of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to designate, as the type species of *Martinia* McCoy, 1844 (*Syn. carb. Foss. Ireland* : 128, 139) (Class Brachiopoda), a species in harmony with current nomenclatorial usage and thus to prevent the confusion which would arise if the normal provisions of the *Règles* were to be strictly applied. It is particularly hoped that it may be possible for the International Commission to reach an early decision on the present application, since it is important that this matter should be settled prior to the publication of the forthcoming *Treatise on Invertebrate Paleontology*. This case has recently been discussed in a paper entitled

¹ As has been explained in *Opinion* 419 (footnote 1) Dr. Helen Muir-Wood (the applicant in the present case) has notified the Office of the Commission that, in her opinion, the term Brachiopoda should be reserved for use as the name for a Phylum. On this view, the Phylum Brachiopoda consists of two Classes, one of which is named Articulata. It is to this Class Dr. Muir-Wood states, that the genus *Martinia* McCoy, 1844, should be referred.

“ The Brachiopoda of Martin’s *Petrificata Derbiensia* ” (Muir-Wood, 1951, *Ann. Mag. nat. Hist.* (12) 4 : 109—112, pl. 3, figs. 2a-c ; pl. 5, figs. 6a-c), from which the particulars given in the following paragraphs have been extracted.

2. M^CCoy, when first publishing the generic name *Martinia*, placed in the genus so named eleven species, including (a) *Spirifera decora* Phillips, 1836 (*Geol. Yorkshire* 2 : 219, pl. 10, fig. 9) (the first species cited by M^CCoy) and (b) *Conchylolithus Anomites (glaber)* Martin, 1809 (a species, the oldest available name for which is *Spirifer glaber* Sowerby (J.), 1820, in view of the decision by the International Commission on Zoological Nomenclature that Martin’s *Petrificata Derbiensia* is not available for the purposes of zoological nomenclature (see also the application submitted to the Commission as Case Z.N.(S.) 534)². M^CCoy did not designate a type species for the genus *Martinia*, although he indicated that this genus was typified by Martin’s “ short-hinged smooth *Spirifer* ”. In fact, however, the figures (figs. 18, 22) given by M^CCoy for Martin’s *glaber* did not represent that species, but under the decision by the International Congress of Zoology at Paris in 1948 that species is nevertheless to be regarded as one of the originally included species of this genus, in view of the provision that the author of a new generic name is to be deemed, for the purpose of Article 30, to have correctly identified the nominal species assigned by him to the genus so named (see 1950, *Bull. zool. Nomencl.* 4 : 158—159).

3. King in 1846 (*Ann. Mag. nat. Hist.* 18 : 29, 32) listed eight species as belonging to the genus *Martinia*, placing *glabra* Martin at the head of the list, but he did not select a type species for this genus. In a list of genera published in 1850 (*Mon. Perm. Foss. Engl.* (Palaeont. Soc.) : 81) King cited *glabra* Martin in such a way as to imply that it was a typical species of *Martinia*, but later in the same publication (: 134) he definitely stated that *Spirifer decora* was the type species of this genus. Since the latter was one of the originally included species and no prior type-selection had been made, this action is valid under the *Règles* and accordingly *Spirifera decora* Phillips, 1836, is the type species of *Martinia* M^CCoy, 1844.

4. Turning to the treatment of this subject by later authors, we find :—

- (1) that in 1877 (: 46) Dall cited *Spirifer decorus* Phillips and *Martinia glabra* (i.e. Martin’s *glaber* as interpreted by M^CCoy) as examples of the genus *Martinia* M^CCoy, but he did not state what species he regarded as the type species ;

² The decision of the International Commission on this case has now been embodied in *Opinion* 420.

- (2) that in 1883 (: 528) Waagen also cited the above species as examples of *Martinia* but did not state what he regarded as the type species ;
- (3) that in 1894 (: 32) Hall and Clarke listed Martin's *glaber* with three American species as belonging to their sub-division 1 or "Aseptati" (= *Martinia* M^CCoy) in their Division VI of *Spirifer* "Glabrati", but did not state what the type species was ;
- (4) that in 1908 (: 30) Buckman (S.S.) definitely stated that *Anomites glaber* Martin was the type species of *Martinia* M^CCoy ;
- (5) that in 1927 (: 110) George (T.N.) also stated that Martin's *glaber* was the type species of *Martinia* M^CCoy ;
- (6) that in 1929 (: 81) Schuchert and LeVene tried to get round the difficulty presented by the fact that two different species had been selected as the type species of *Martinia* M^CCoy by citing the type species of that genus as "*Spirifer decorus* Phillips = *Anomites glaber* Martin, 1809".

5. The holotype of *Spirifera decora* Phillips, 1836, is preserved in the Gilbertson Collection in the British Museum (Natural History) (specimen No. B.264), and has recently been refigured (Muir-Wood, 1951 : pl. 5, fig. 6a, b, c). This specimen has been carefully compared with the lectotype of *Spirifer glaber* Sowerby, 1820 (the name of the nominal species which, as explained in paragraph 2 above, replaces the invalid name *Conchylolithus Anomites (glaber)* Martin, 1809), which has also been refigured (1951 : pl. 3, fig. 2a, b, c). This comparison establishes beyond question that these two specimens belong to different species and therefore that the nominal species *Spirifera decora* Phillips (the type species of *Martinia* M^CCoy) is not identical with *Spirifer glaber* Sowerby, which (under its earlier invalid name *Anomites glaber* Martin) is today accepted as the type species of *Martinia* M^CCoy.

6. The generic name *Martinia* is widely used in the geological literature of Europe in conjunction with the trivial name *glabra*, usually to indicate smooth *Spirifers* with no internal plates. Confusion would be caused if *Spirifera decora* Phillips were to be accepted as the type species of *Martinia* M^CCoy, since the two species *S. decora* and *S. glabra* are almost certainly not congeneric. It is to avoid that confusion that the Commission is asked to use its Plenary Powers to validate current nomenclatorial practice. The specific recommendations now submitted to the International Commission on Zoological Nomenclature are that it should :—

- (1) use its Plenary Powers to set aside all type selections for the genus *Martinia* M^CCoy, 1844, made prior to the decision now proposed to be taken, and to designate *Spirifer glaber* Sowerby,

1820 (as interpreted by the lectotype selected and figured by Muir-Wood (1951 : pl. 3, fig. 2a, b, c) to be the type species of the foregoing genus ;

- (2) place the generic name *Martinia* M^CCoy, 1844 (gender of generic name : feminine) (type species, by designation under the Plenary Powers proposed in (1) above: *Spirifer glaber* Sowerby, 1820, to be interpreted as specified in (1) above) on the *Official List of Generic Names in Zoology* ;
- (3) place the trivial name *decora* Phillips, 1836, as published in the combination *Spirifera decorata*, on the *Official List of Specific Trivial Names in Zoology*, a reference being made therein to the recently republished figures of the holotype of this species (Muir-Wood, 1951 : pl. 5, fig. 6a, b, c).

7. I should certainly have asked also that the trivial name *glaber* Sowerby, 1820, as published in the combination *Spirifer glaber*, should be placed on the *Official List*, if it had not been that I have already asked that this should be done in the application (Z.N.(S.) 534 which (with Dr. C. J. Stubblefield) I have submitted to the International Commission on the general question of the regularisation of the trivial names applied to species of Brachiopoda by Martin in 1809.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Muir-Wood's application the question of the use of the Commission's Plenary Powers for the purpose of designating for the genus *Martinia* M^CCoy a type species in harmony with accustomed usage was allotted the Registered Number Z.N.(S.) 535.

3. Publication of the present application : The present application was sent to the printer on 27th May 1951 and was published

in Part 1 of volume 6 of the *Bulletin of Zoological Nomenclature* on 28th September of the same year (Muir-Wood, 1951, *Bull. zool. Nomencl.* 6 : 30—32).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 28th September 1951 (a) in Part 1 of volume 6 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Muir-Wood's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to a number of general zoological serial publications and to certain palaeontological serials in Europe and America.

5. Comments received : The only comment elicited from the issue of Public Notices was a letter from Professor G. Winston Sinclair, at that time Chairman of the Joint Committee on Zoological Nomenclature for Paleontology in America setting out the views of the members of that body on the present application. The letter so received is reproduced in the immediately following paragraph.

6. Views of the Members of the Joint Committee on Zoological Nomenclature for Paleontology in America : On 9th April 1952 there was received the following letter dated 18th February 1952 from Professor G. Winston Sinclair (at that time of the *University of Michigan, Ann Arbor, Michigan, U.S.A.*), setting out as follows the views of the members of the Joint Committee on Zoological Nomenclature for Paleontology in America of which he was the Chairman :—

The Joint Committee on Zoological Nomenclature for Paleontology in America has considered this subject, and I wish to inform you that, being polled, they voted : To support the petition (five) : (1) J. Martin Weller ; (2) Bobb Schaeffer ; (3) Bryan Patterson ; (4) John B. Reeside, Jr. ; (5) R. C. Moore : To oppose the petition (six) : (1) Katherine V. W. Palmer ; (2) Don Frizzell ; (3) A. Myra Keen ; (4) Siemon W. Muller ; (5) John W. Wells ; (6) G. Winston Sinclair.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. Issue of Voting Paper V.P.(52)44 : On 15th May 1952, a Voting Paper (V.P.(52)44) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the name *Martinia* M^CCoy, 1844, as set out in Points (1) to (3) on page 32 of volume 6 of the *Bulletin of Zoological Nomenclature* i.e. in the Points numbered as above in paragraph 6 of the application reproduced in the first paragraph of the present *Opinion*.

8. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 15th August 1952.

9. Particulars of the Voting on Voting Paper V.P.(52)44 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(52)44 was as follows :—

(a) *Affirmative Votes had been given by the following thirteen (13) Commissioners (arranged in the order in which Votes were received) :*

Riley ; Hering ; Calman ; Dymond ; Hankó ; Bonnet ; Vokes ; do Amaral ; Pearson³ ; Hemming ; Lemche ; Cabrera ; Boschma ;

(b) *Negative Votes, three (3) :*
Bradley (J.C.) ; Esaki ; Stoll ;

(c) *On Leave of Absence, one (1) :*
Mertens ;

(d) *Voting Papers not returned, one (1) :*
Jaczewski.

³ Commissioner Pearson exercised in this case the right conferred by the Thirteenth International Congress of Zoology, Paris, 1948, under which a Commissioner may, if he so desires, signify his willingness to support the view or the majority view, of other members of the Commission (1950, *Bull. zool. Nomencl.* 4 : 50—51).

10. Declaration of Result of Vote : On 23rd August 1952, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(52) 44, signed a Certificate that the Votes cast were as set out in paragraph 9 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

11. Preparation of the Ruling given in the present " Opinion " : Concurrently with the signature of the Declaration of the result of the vote on Voting Paper V.P.(52)44 (paragraph 10 above), Mr. Hemming, as Secretary, placed on the Commission's File Z.N.(S.) 535 a Minute drawing attention to the fact that in respect of one name there was an overlap between the present application and an earlier application (Z.N.(S.) 534)⁴ which had been submitted to the Commission by the same applicant (Dr. Helen Muir-Wood) but on which at that date a Voting Paper had not as yet been issued to the members of the Commission. The overlap in question arose in the following way: (1) In application Z.N.(S.) 534 Dr. Muir-Wood had asked (a) that the Commission should give a Ruling that the specific name *glaber*, originally published by Martin (W.) in the work *Petrificata Derbiensia* (which had been rejected for nomenclatorial purposes by the Ruling given in *Opinion* 231) in the combination *Conchyliolithus Anomites glaber* ranked for priority as from its publication by Sowerby (J.) in 1820 in the combination *Spirifer glaber*, and (b) that the specific name *glaber* so published by Sowerby should be placed on the *Official List of Specific Names in Zoology* with an endorsement that the species so named be interpreted by reference to the lectotype she had herself then recently selected and figured (1951 : pl. 3, figs. 2a-c); (2) In the application dealt with in the present *Opinion* Dr. Muir-Wood had based her proposals on the assumption that by the date on which this case came to be considered, the Commission would have approved her proposal in Application Z.N.(S.) 534 relating to the name *glaber* Sowerby (J.), 1820 (*Spirifer*), and recommended (a) that under the Plenary Powers the Commission

⁴ See Footnote 1.

should designate the species so named to be the type species of the genus *Martinia* M^CCoy, 1844, (b) that that generic name so determined should be placed on the *Official List of Generic Names in Zoology* and (c) that in the entry so made an endorsement should be made in relation to the type species that it be interpreted by reference to the lectotype for it which she had selected in 1951. Dr. Muir-Wood added that she had deliberately not included in her application regarding *Martinia* M^CCoy a proposal that its type species be placed on the *Official List of Specific Names in Zoology*, since she had already made a recommendation in this sense in her Application Z.N.(S.) 534. In the light of the foregoing review Mr. Hemming, as Secretary, gave a Direction in the Minute referred to above that the preparation of the Ruling on the present case be postponed until such time as a decision had been taken by the Commission on the earlier Application Z.N.(S.) 534. For reasons which have been fully explained in *Opinion* 420, the *Opinion* embodying the Commission's decision on Application Z.N.(S.) 534, various circumstances combined to delay the reaching of a decision on that application and to prevent until 19th November 1955 the preparation of the Ruling on it given in the *Opinion* referred to above. The rendering of that *Opinion* cleared the way for the completion of the present *Opinion*, the Ruling given in which was prepared by Mr. Hemming the following day, 6th March 1956. On the same day Mr. Hemming signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(52)44.

12. Original references : The following are the original references for the names placed on *Official Lists* by the Ruling given in the present *Opinion* :—

decora, *Spirifera*, Phillips, 1836, *Geol. Yorkshire* 2 : 219, pl. 10, fig. 9

Martinia M^CCoy, 1844, *Syn. carb. Foss. Ireland* : 128, 139

13. Family-Group-Name problems : The application dealt with in the present *Opinion* was published in the *Bulletin of Zoological Nomenclature* prior to the establishment of the *Official List of Family-Group Names in Zoology* by the Fourteenth International

Congress of Zoology, Copenhagen, 1953. It has been ascertained that an addition, or additions, to the foregoing *Official List* will need to be made in order to complete the action, which, under the General Directives given to the International Commission by the International Congress of Zoology, is required to be taken in the present case. This question is now being examined on a separate File to which the Registered Number Z.N.(G.) 128 has been allotted.

14. At the time of the submission of the present application the name applicable to the second portion of a binomen was "trivial name". This was altered to "specific name" by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Twenty-One (421) of the International Commission on Zoological Nomenclature.

DONE in London, this Sixth day of March, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING